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Attorneys for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke Probation
Against:

LYNDA MARIE GRUZD
81 Trofello Lane
Aliso Viejo, CA 92656-6215

Respiratory Care Practitioner
License No. 4790

Respondent.

Case No. R-2011

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
proceeding that the following matters are true:

PARTIES

1. Stephanie Nunez (Complainant) is the Executive Officer of the Respiratory
Care Board of California. She brought this action solely in her official capacity and is represented
in this matter by Bill Lockyer, Attorney General of the State of California, by Samuel K.
Hammond, Deputy Attorney General.

2. LYNDA MARIE GRUZD (Respondent) is representing herself in this
proceeding and has chosen not to exercise her right to be represented by counsel.

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1 3. On or about June 21, 1985, the Respiratory Care Board of California
2 issued Respiratory Care Practitioner License No. 4790 to LYNDIA MARIE GRUZD,
3 (Respondent). The License was in full force and effect at all times relevant to the charges brought
4 in Petition to Revoke Probation No. R-2011 and will expire on March 31, 2007, unless renewed.

5 JURISDICTION

6 4. Petition to Revoke Probation No. R-2011 was filed before the Respiratory
7 Care Board (Board), Department of Consumer Affairs, and is currently pending against
8 Respondent. The Petition to Revoke Probation and all other statutorily required documents were
9 properly served on Respondent on January 26, 2006. Respondent timely filed her Notice of
10 Defense contesting the Petition to Revoke Probation. A copy of Petition to Revoke Probation
11 No. R-2011 is attached as Exhibit A and incorporated herein by reference.

12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read, and understands the charges and allegations
14 in Petition to Revoke Probation No. R-2011. Respondent also has carefully read, and
15 understands the effects of this Stipulated Surrender of License and Order.

16 6. Respondent is fully aware of her legal rights in this matter, including the
17 right to a hearing on the charges and allegations in the Petition to Revoke Probation; the right to
18 be represented by counsel, at her own expense; the right to confront and cross-examine the
19 witnesses against her; the right to present evidence and to testify on her own behalf; the right to
20 the issuance of subpoenas to compel the attendance of witnesses and the production of
21 documents; the right to reconsideration and court review of an adverse decision; and all other
22 rights accorded by the California Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
24 each and every right set forth above.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in
3 Petition to Revoke Probation No. R-2011 and agrees that cause exists for discipline. Respondent
4 hereby surrenders her Respiratory Care Practitioner License No. 4790 for the Board's formal
5 acceptance.

6 9. Respondent understands that by signing this stipulation she enables the
7 Board to issue an order accepting the surrender of her Respiratory Care Practitioner License
8 without further process.

9 CONTINGENCY

10 10. This stipulation shall be subject to approval by the Respiratory Care Board.
11 Respondent understands and agrees that counsel for Complainant and the staff of the Respiratory
12 Care Board of California may communicate directly with the Board regarding this stipulation and
13 surrender, without notice to or participation by Respondent. By signing the stipulation,
14 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
15 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
16 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be
17 of no force or effect and except for this paragraph, it shall be inadmissible in any legal action
18 between the parties, and the Board shall not be disqualified from further action by having
19 considered this matter.

20 11. The parties understand and agree that facsimile copies of this Stipulated
21 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
22 and effect as the originals.

23 12. In consideration of the foregoing admissions and stipulations, the parties
24 agree that the Board may, without further notice or formal proceeding, issue and enter the
25 following Order:

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2 **ORDER**

3 IT IS HEREBY ORDERED that Respiratory Care Practitioner License No. 4790,
4 issued to Respondent LYNDIA MARIE GRUZD is surrendered and accepted by the Respiratory
5 Care Board.

6 13. The surrender of Respondent's Respiratory Care Practitioner License and
7 the acceptance of the surrendered license by the Board shall constitute the imposition of discipline
8 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
9 of Respondent's license history with the Board.

10 14. Respondent shall lose all rights and privileges as a Respiratory Care
11 Practitioner in California as of the effective date of the Board's Decision and Order.

12 15. Respondent shall cause to be delivered to the Board both her wall and
13 pocket license certificates on or before the effective date of the Decision and Order.

14 16. Respondent fully understands and agrees that if she ever files an application
15 for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a
16 petition for reinstatement. Respondent must comply with all the laws, regulations and procedures
17 for reinstatement of a revoked license in effect at the time the petition is filed, and all of the
18 charges and allegations contained in Petition to Revoke Probation No. R-2011 shall be deemed to
19 be true, correct and admitted by Respondent when the Board determines whether to grant or deny
20 the petition.

21 17. Respondent shall pay the Board its costs of investigation and enforcement
22 in the amount of \$622.00 (\$300 past due for probation monitoring costs plus \$322.00 current
23 costs) prior to issuance of a new or reinstated license.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Respiratory Care Practitioner License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Respiratory Care Board.

DATED: May 23, 2006

Original signed by:
LYNDA MARIE GRUZD
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Respiratory Care Board of the Department of Consumer Affairs.

DATED: May 23, 2006

BILL LOCKYER, Attorney General
of the State of California

Original signed by:
SAMUEL K. HAMMOND
Deputy Attorney General

Attorneys for Complainant

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RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
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In the Matter of the Petition to Revoke Probation
Against:

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LYNDA MARIE GRUZD, R.C.P.
81 Trofello Lane
Aliso Viejo, CA 92656-6215

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Respiratory Care Board of California, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on July 24, 2006.

It is so ORDERED July 12, 2006.

Original signed by: _____

LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA